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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,134	07/03/2003	Zachary A. Lundin		7199

7590

01/12/2005

Jack C. Munro  
Agent of Record  
Suite 225  
28720 Roadside Drive  
Agoura Hills, CA 91301

EXAMINER

BLAKE, CAROLYN T

ART UNIT PAPER NUMBER

3724

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

10/613,134

Applicant(s)

LUNDIN, ZACHARY A.

Examiner

Carolyn T Blake

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because line 5 states, "the user take a knife," while it should likely read, - -the user takes the knife- -. Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because the phrase "the basic embodiment is modified by there included in conjunction with the guide bar means" (page 3, lines 14-15) is incoherent. Appropriate correction to permit understanding is required.

### ***Claim Objections***

3. Claim 1 is objected to because line 11 recites the limitation "said first guide plate" without proper antecedent. The phrase should read - -said guide plate- -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mason (D 149,961). See the *Figures* section of this Office action.

Regarding claim 1, Mason discloses a cutting template (1) to be used for cutting a plurality of meat pieces from a meat section all of which are precisely similar in size and weight, said cutting template (1) comprising: a graspable handle (2); a guide plate

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(3) attached to said graspable handle (2), said guide plate (3) being elongated and extending transversely from said graspable handle (2); and a first guide bar (4) attached to said template (1) and extending outwardly from said guide plate (3), whereby said guide plate (3) is to be placed against an edge of the meat section with said first guide bar (4) resting on an upper surface of the meat section with the operator to then move a cutting instrument around an exterior edge of said guide bar to cause severing of a first said meat piece with the procedure to then be repeated to obtain other said meat pieces.

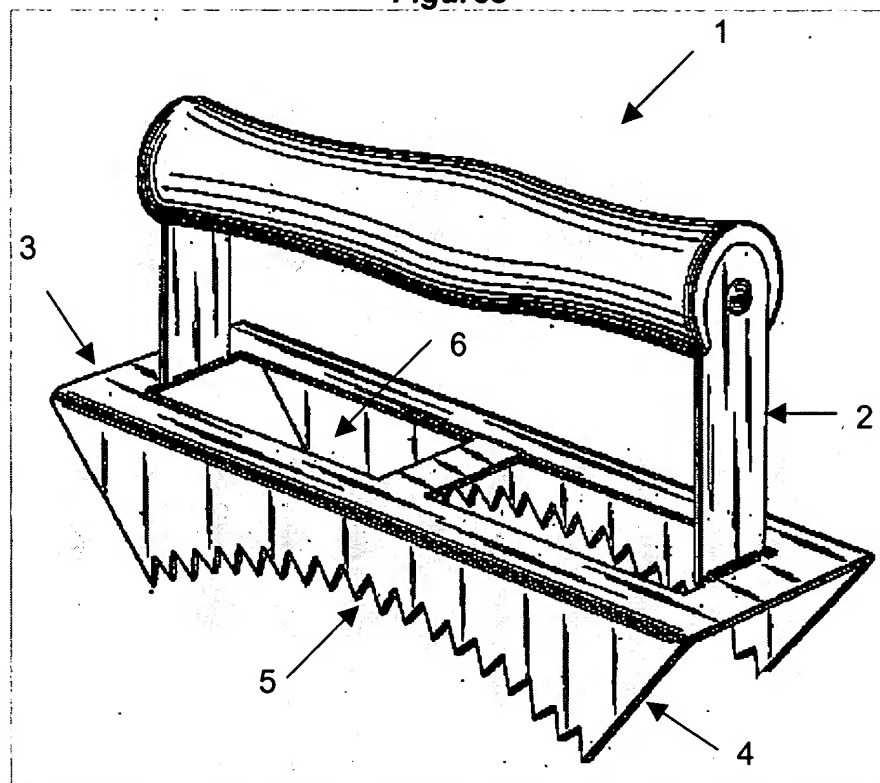
Regarding claim 2, Mason discloses means (5) for fixing a position of said guide bar (4) connected to said guide bar (4), whereby said means (5) causes said guide bar (4) to be fixed in position on a section piece prior to severing of said meat piece.

Regarding claim 3, Mason discloses the means (5) comprising a structure that impales the meat section.

Regarding claim 4, Mason discloses the means (5) comprise a row of sharply pointed saw teeth mounted on said guide bar (4).

Regarding claim 5, Mason discloses the guide bar (4) encloses an open space (6) which is closed at one side by said guide plate (3) and closed at the opposite side by said guide bar (4), during severing of a meat portion the meat portion is to be located directly adjacent said open space (6).

**Figures**



D149,961 to Mason. Lead lines and reference numbers added by the examiner.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. J.E. Adams (3,153,810), J.H. Adams (2,007,237), T.S. Adams (D258,634), Hansen (2,943,883), Lowenthal (1,871,713), Cutler (1,761,104), Partin (2,655,191), Feller (925,197), Henneberger (2,791,029), and O'Donovan (3,199,560) disclose cutting templates.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB

CB

November 22, 2004



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700